

## WASHINGTON ENACTED FIREARMS LEGISLATION (2014-2022)

### 2014

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#### **Initiative 594 – Concerning Background Checks for Firearm Sales and Transfers (Approved Nov. 2014)**

Requires background checks for all firearms sales or transfers, including by dealers, online, at gun shows, and between private persons, unless specifically exempted, and requires firearm sales or transfers between unlicensed persons to be completed through a licensed dealer. Provides numerous exemptions, including for law enforcement and corrections agencies, gifts between family members, inherited firearms, and certain temporary transfers, including temporary transfers between spouses or domestic partners, at shooting ranges or firearms competitions, or while hunting. Provides that a person who knowingly violates the background check requirements is guilty of a gross misdemeanor for a first offense, and a class C felony for each subsequent offense.

#### **ESHB 1840 – Concerning Firearms Laws for Persons Restrained Under Certain Orders**

Prohibits persons subject to certain protection, no-contact, and restraining orders from possessing firearms, and requires restrained persons to surrender their firearms, dangerous weapons, and concealed pistol license (CPL) while the order is in place. Includes sexual assault protection orders under current law provisions regarding weapons surrender. Requires law enforcement agencies to develop policies and procedures for handling surrendered weapons. Requires development and use of a pattern form to document compliance with court-ordered weapons and CPL surrender.

#### **SB 5956 – Concerning Short-Barreled Rifles**

Legalizes the possession, transportation, acquisition, or transfer of a short-barreled rifle that is legally registered and possessed, transported, acquired, or transferred in compliance with federal law.

### 2015

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#### **SSB 5381 – Creating a Protocol for the Return of Firearms in the Possession of Law Enforcement Agencies**

Requires law enforcement agencies to establish a protocol for notifying family or household members when a privately owned firearm is being returned to the owner. Before returning a privately owned firearm, requires the law enforcement agency to conduct a background check of the owner, and if a family or household member has requested notification, requires the agency to hold the firearm for 72 hours from the time notification is provided. Prohibits public disclosure of information provided by a family or household member who makes a request for notification of the return of a firearm. Provides public agencies, officials, and employees with limited immunity for damages based on the release of, or failure to release, information related to the notification system. Provides that a person who knowingly makes a request for notification based on false information is guilty of a gross misdemeanor.

### 2016

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#### **Initiative 1491 – Extreme Risk Protection Orders (Approved Nov. 2016)**

- Creates an extreme risk protection order (ERPO) that allows law enforcement or a family or household member to obtain a court order to prevent a person from purchasing, possessing, or

receiving a firearm if the person poses a significant danger of personal injury to self or others by having a firearm.

- Establishes a process for a person subject to an ERPO to surrender to law enforcement any concealed pistol license and firearms in his or her custody, control, or possession and authorizes courts to issue a warrant to seize firearms from the subject of an ERPO who has failed to surrender firearms.
- Establishes criminal penalties for violation of an ERPO and for filing an ERPO petition knowing it is materially false or with intent to harass the subject of the petition.

### **SSB 6165 – Concerning Short-Barreled Rifles**

Expands authorized activities with respect to short-barreled rifles and their parts to include, among other things, manufacturing, assembling, and repairing short-barreled rifles, and manufacturing, owning, buying, selling, transporting, or possessing short-barreled rifle parts.

**2017**

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### **SHB 1100 and SB 5268 – Concerning Concealed Pistol License Renewals**

Requires the Department of Licensing to provide a concealed pistol license (CPL) renewal notification to the license holder approximately 90 days prior to the expiration of the license by mail or by email if the license holder provided an email address on the license application.

### **SHB 1501 – Protecting Law Enforcement and the Public from Persons who Illegally Attempt to Obtain Firearms**

- Requires firearm dealers to report to the Washington Association of Sheriffs and Police Chiefs (WASPC) all instances where an application for the purchase or transfer of a firearm is denied based on ineligibility. Requires the Washington State Patrol (WSP) to incorporate denied firearm purchase or transfer information received from the WASPC into its electronic database accessible to law enforcement agencies.
- Establishes a grant program, administered by WASPC, for local law enforcement agencies to conduct criminal investigations regarding persons illegally attempting to purchase or transfer firearms, and requires that WASPC issue an annual report on denied firearms sales or transfers.
- Requires the WASPC to create and operate a statewide, automated system to notify a registered person when a respondent subject to certain protective orders has been denied the purchase of a firearm based on ineligibility.

### **ESSB 5552 – Concerning Firearms Sales and Transfers**

- Modifies the definition of "firearm" to exclude flare guns, other visual distress signaling devices, and powder-actuated tools or other construction devices. Modifies the definition of "transfer" to exclude the delivery of a firearm owned or leased by an entity to any of that entity's employees or agents, and return of the firearm to the entity, for lawful purposes in the ordinary course of business.
- Revises the background check exemption for bona fide gifts between immediate family members to also apply to loans and to include parents-in-law and siblings-in-law. Exempts the following firearm transfers from background check requirements: (a) temporary transfers of firearms intended to prevent suicide or self-inflicted bodily harm; (b) temporary transfers under circumstances in which the transferee and firearm remain in the presence of the transferor; and

(c) sales or transfers when the seller or transferee is a federally licensed collector and the firearm being sold or transferred is a curio or relic.

## 2018

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### **Initiative 1639 – Firearm Safety Measures**

- Establishes new regulations applicable to semiautomatic assault rifles (SARs), including: (1) requiring a state background check and firearms safety training for SAR purchasers or transferees; (2) imposing restrictions on purchase, possession, and transfer of SARs for persons under age 21 (with exceptions); (3) prohibiting purchase of SARs by non-Washington residents; and (4) establishing a 10-day waiting period and for dealer deliveries of SARs.
- Prohibits a person who is under the age of 21 from purchasing a pistol.
- Establishes a criminal offense if a person leaves or stores an unsecured firearm in a location where a prohibited person is likely to access the firearm and does access and use the firearm in specified circumstances.
- Requires firearms dealers to offer to sell or give purchasers a secure gun storage device or trigger lock or similar device, and provide warnings regarding potential criminal liability for unsecured storage of firearms. Requires applications for the purchase of a pistol or an SAR to include a warning regarding the dangers associated with firearms in the home.
- Requires the Department of Licensing to maintain certain firearms-related records and to establish procedures to verify that persons who have acquired pistols and SARs remain eligible to possess firearms.

### **EHB 2519 – Concerning Concealed Pistol License Eligibility Requirements**

Provides that a law enforcement agency may not return a concealed pistol license (CPL) that has been surrendered to or impounded by the agency until the agency determines the licensee meets CPL eligibility requirements. Allows a law enforcement agency to take a photograph of an applicant for a CPL and print the licensee's photograph on the face of the CPL. Adds extreme risk protection orders, sexual assault protection orders, and stalking protection orders to the provision making an applicant ineligible for a CPL if the applicant is subject to a court order or injunction regarding firearms.

### **SSB 5553 – Preventing Suicide by Permitting the Voluntary Waiver of Firearm Rights**

Creates a process for a person to voluntarily waive the person's firearm rights and to revoke a voluntary waiver of firearm rights. Requires the Washington State Patrol to include a voluntary waiver of firearm rights in the National Instant Criminal Background Check System and other databases. Prohibits a person from delivering a firearm to any person whom he or she has reasonable cause to believe has signed a valid voluntary waiver of firearm rights that has not been revoked. Establishes a criminal penalty for any person who knowingly makes a false statement regarding the person's identity on a form for the voluntary waiver of firearm rights or the revocation of the voluntary waiver of firearm rights.

### **ESB 5992 – Concerning Bump-Fire Stocks**

Establishes criminal penalties and sentencing provisions relating to the manufacture, sale, purchase, possession, transfer, or transport of bump-fire stocks, or the use of a firearm containing a bump-fire stock in the commission of a felony.

### **SB 6298 – Adding Domestic Violence Harassment to the Offenses for Which a Person is Prohibited from Possessing a Firearm**

Makes it unlawful for a person to possess a firearm if the person has been convicted or found not guilty by reason of insanity of the crime of Harassment when committed against an intimate partner or family or household member on or after the effective date of the act.

**2019**

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### **SHB 1225 – Establishing Policies and Requirements Regarding Law Enforcement Response to Domestic Violence Incidents**

Establishes requirements for law enforcement officers when responding to domestic violence calls, including standards for removal of firearms and ammunition upon probable cause to believe a crime was committed, and protocols for inquiring of the victim regarding the abuser's access to and past use of firearms. Provides that a firearm seized in connection with a domestic violence call may not be returned to the owner or person from whom it was obtained until five business days have elapsed since the firearm was obtained. Requires a court to consider all information in a domestic violence incident report regarding the defendant's possession of and access to firearms, and allows the court to include a firearm prohibition as a condition of release and order the defendant to surrender all firearms upon release.

### **EHB 1465 – Concerning Requirements for Pistol Sales or Transfers**

Removes a provision allowing a dealer to deliver a pistol to a purchaser who produces a valid concealed pistol license prior to the completion of a state background check. Expires the provisions of the bill on the earlier of June 30, 2022, or six months after the date on which the Washington State Patrol determines that a single point of contact firearm background check system is operational in the state.

### **SHB 1739 – Addressing Undetectable and Untraceable Firearms**

Makes it unlawful for a person to knowingly or recklessly allow, facilitate, aid, or abet the manufacture or assembly of an undetectable firearm or untraceable firearm by a person who is ineligible to possess a firearm. Makes it unlawful for a person to: manufacture, own, buy, sell, loan, furnish, transport, or have in possession or control, any undetectable firearm or any part designed and intended solely and exclusively for use in an undetectable firearm; or assemble or repair an undetectable firearm. Makes it unlawful for a person to manufacture an untraceable firearm with the intent to sell the untraceable firearm.

### **SHB 1786 – Improving Procedures and Strengthening Laws Relating to Protection Orders, No-contact Orders, and Restraining Orders**

Requires any protection order, no-contact order, or restraining order that includes an order to surrender firearms, dangerous weapons, and a CPL (OTSW) to be served by a law enforcement officer. Establishes a procedure for surrender of firearms, dangerous weapons, and any CPL to law enforcement, requires courts to develop procedures to verify compliance, and authorizes courts to issue a warrant to seize firearms and dangerous weapons where there is probable cause to believe the respondent has failed to comply with the order. Makes it Unlawful Possession of a Firearm in the second degree when a respondent possesses a firearm in violation of a qualifying protective order that meets certain criteria and that includes an OTSW.

**HB 1934 – Renewing a Concealed Pistol License by Members of the Armed Forces**

Requires local law enforcement agencies to establish a mail or online application process for the renewal of a concealed pistol license for a member of the Armed Forces who is deployed for out-of-state military service.

**ESSB 5027 – Concerning Extreme Risk Protection Orders**

Allows an extreme risk protection order (ERPO) petition to be brought against a person under age 18, and requires an ERPO issued against a minor to be served on the parents or guardian and include a written notice advising the parents or guardian of the legal requirement to secure firearms located on the premises. Allows a restrained party under the age of eighteen to petition the court to seal from public view court records relating to an ERPO proceeding. Requires the court to give law enforcement priority at any ERPO calendar and allows law enforcement to petition for an ERPO after hours. Allows a law enforcement officer to arrest a person without a warrant if the officer has probable cause to believe the person has violated an ERPO.

**SSB 5181 – Concerning Procedures upon Initial Detention Under the Involuntary Treatment Act**

Imposes a six-month suspension on a person's right to possess a firearm where the person is detained under the Involuntary Treatment Act on the grounds of likelihood of serious harm and the person is not subsequently committed for involuntary treatment. Allows a person whose firearm rights are suspended for six months to petition for restoration of firearm rights upon release from detention and imposes the burden of proof on the state to establish the person does not meet restoration criteria. Establishes requirements for entering information on a person whose firearm rights are suspended into the National Instant Criminal Background Check System and removing the information when the right is restored, and creates procedures for a six-month suspension of the person's concealed pistol license.

**SB 5205 – Concerning Provisions Governing Firearms Possession by Persons who have Been Found Incompetent to Stand Trial and who have a History of One or More Violent Acts**

Requires a court that dismisses nonfelony charges against a defendant based on incompetency to stand trial to make a finding as to whether the defendant has a history of one or more violent acts. Prohibits possession of firearms by a person whose nonfelony charge is dismissed based on incompetency to stand trial where the court finds that the person has a history of one or more violent acts, and a person violating this prohibition is guilty of Unlawful Possession of a Firearm in the second degree. Allows a person to petition a superior court for restoration of firearm rights lost due to a finding of incompetency to stand trial and a history of one or more violent acts.

**SB 5508 – Clarifying Background Check Requirements for an Application for a Concealed Pistol License**

Requires the background check for an original concealed pistol license to be conducted through the Washington State Patrol Criminal Identification Section and include a fingerprint background check through the Federal Bureau of Investigation.

**2020**

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**E2SHB 2467 – Establishing a Centralized Single Point of Contact Background Check System for Firearms Transfers**

Requires the Washington State Patrol (WSP) to establish and operate a Firearms Background Check Unit and an automated firearms background check system to serve as a single point of contact for firearms dealers to conduct background checks required under state and federal law. Requires firearms dealers

to use the state firearms background check system for all firearms transfers beginning 30 days after the WSP issues a notice to dealers that the system is established. Creates the Washington Background Check Advisory Board to oversee the Unit and the operation of the firearms background check system. Once the state system is operational, requires the WSP to report the denial of a firearm transfer based on ineligibility to the local law enforcement agency where the attempted purchase or transfer took place. *[Expected statewide implementation date for the centralized background check system is January, 2024.]*

**SHB 2555 – Concerning Background Check Requirements for Firearm Frames and Receivers**

Requires firearms dealers to conduct background checks on applicants for the purchase or transfer of a firearm frame or receiver once a state background check system is established within the Washington State Patrol, and establishes procedures and requirements applicable to these transfers.

**SHB 2622 – Concerning Procedures for Ensuring Compliance with Court Orders Requiring Surrender of Firearms, Weapons, and Concealed Pistol Licenses**

Establishes compliance hearing processes and contempt of court procedures for courts that have issued orders to surrender weapons (OTSWs) and extreme risk protection orders (ERPOs). Authorizes contempt of court proceedings where a court finds that a person subject to an OTSW or ERPO has failed to fully comply with the order. Allows for imposition of remedial sanctions to coerce compliance and imposition of costs and reasonable attorneys' fees against the respondent if the court finds the respondent in contempt.

**ESSB 5434 – Restricting Possession of Weapons in Certain Locations**

Makes it unlawful for a person to possess a firearm and other weapons on child care center premises, center-provided transportation, or in areas of facilities being used exclusively by a child care center. Provides exceptions for family day care providers, law enforcement, concealed pistol license holders while picking up or dropping off a child, and persons conducting business at the center if the firearm or weapon is secured within an attended vehicle or concealed from view within a locked unattended vehicle. Requires family day care providers to store any firearm, ammunition, or other dangerous weapon in a secure area inaccessible to children when children for whom the provider is licensed to provide care are present on the premises.

**ESSB 6288 – Creating the Washington Office of Firearm Safety and Violence Prevention**

Creates the Washington Office of Firearm Safety and Violence Prevention (Office) within the Department of Commerce to coordinate and promote state and local efforts to reduce firearm violence, and establishes a number of duties for the Office, including improving data collection and sharing, engaging in research and policy development, and identifying and providing resources for victims of gun violence. Establishes a Firearm Violence Intervention and Prevention Grant Program, administered by the Office, to support firearm violence reduction initiatives in communities disproportionately impacted by firearm violence and suicide.

**2021**

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**E2SHB 1320 – Modernizing, Harmonizing, And Improving The Efficacy And Accessibility Of Laws Concerning Civil Protection Orders**

Consolidates and harmonizes all the different laws governing protection orders, but includes some changes impacting extreme risk protection orders and orders to surrender weapons:

- When entering a protection order, provides that a court must (rather than may) issue an order to surrender weapons (OTSW) where there is a preponderance of the evidence that specified factors are present.
- Allows an OTSW to be issued when a court enters a vulnerable protection order.
- Requires a law enforcement agency to revoke a respondent's concealed pistol license (CPL) upon receipt of an OTSW or ERPO and requires law enforcement to immediately ensure entry of an OTSW and the revocation of any CPL into the appropriate database making the respondent ineligible to possess firearms.
- Requires the DOL to provide certain firearms-related information to courts and criminal justice personnel to aid in ensuring compliance with OTSWs and ERPOs.

### **ESSB 5038 – Prohibiting the Open Carry of Weapons at Certain Locations**

Prohibits the open carry of firearms and other weapons while knowingly being: (1) at a permitted demonstration or within 250 feet of a permitted demonstration after being advised of the demonstration by law enforcement; (2) on the west State Capitol Campus grounds and in buildings on state capitol grounds; and (3) in state legislative offices or any location of a public legislative meeting during the meeting. Provides exemptions for law enforcement personnel when acting in conformance with their employing agency's policy and members of the armed forces while in the discharge of official duties.

## **2022**

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### **ESHB 1630 – Weapons Restrictions/Certain Locations**

Prohibits the open carry of weapons while knowingly being in a local government building used in connection with meetings of the governing body of the local government, or any location of a public meeting of the governing body during the meeting or hearing. Prohibits the carrying and possession of weapons in areas of facilities while being used for official meetings of a school district board of directors and in certain election-related offices and facilities. Makes a first violation of these restrictions a misdemeanor offense and a second or subsequent violation a gross misdemeanor offense. Amends the laws restricting weapons on school premises and restricting the open carry of weapons on state capitol campus grounds and facilities and legislative facilities to lower the penalty for a first offense from a gross misdemeanor to a misdemeanor offense.

### **ESHB 1705 – Restrictions on Untraceable Firearms and Unfinished Frames and Receivers**

Prohibits the manufacture, assembly, sale, transfer, purchase, possession, transport, and receipt of untraceable firearms, subject to limited exceptions. Prohibits the sale, transfer, purchase, possession, transport, and receipt of unfinished frames and receivers, subject to limited exceptions. Establishes standards for marking untraceable firearms and unfinished frames and receivers with serial numbers.

### **SHB 1901 – Updating Laws Concerning Civil Protection Orders To Further Enhance And Improve Their Efficacy And Accessibility**

Revises the new civil protection order law, including some changes affecting firearms:

- Amends the crime of Unlawful Possession of a Firearm in the second degree to prohibit possession of a firearm based on a conviction for violating the restraint provisions of any type of protection order (not just domestic violence protection orders) when committed by one family or household member against another or one intimate partner against another.

- Revises the required components of protection orders that disqualify a person from possessing firearms to provide that the protection must contain either (rather than both) of the following: (1) a finding that the person represents a credible threat to the protected person or child; or (2) an explicit prohibition on the use, attempted use, or threatened use of physical force against the protected person or child.

#### **ESSB 5078 – Restrictions on Large Capacity Magazines**

Prohibits the manufacture, importation, distribution, sale, and offer for sale of large capacity magazines, subject to limited exemptions. Provides that distributing, selling, offering for sale, or facilitating the sale, distribution, or transfer of a large capacity magazine online is actionable under the Washington Consumer Protection Act.